

BILL NO. R-80-11-27

RESOLUTION NO. R- 102-80

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$ 150,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, C.L. Schust Co., Inc. to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, C.L. Schust Co., Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be equipment to be located in a new building on Lot 9 in Centennial Industrial Park in Fort Wayne, Indiana.

(the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 15 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already

constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$ 150,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.


SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.



COUNCILMAN

APPROVED AS TO FORM AND  
LEGALITY.

  
\_\_\_\_\_  
JOHN E. HOFFMAN  
City Attorney

Read the first time in full and on motion by Devo, seconded by 6-2-80, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the day of 19, at o'clock M., E.S.T.

DATE: 11-25-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Stier, seconded by 6-2-80, and duly adopted, placed on its passage. PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>NUCKOLS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, V.</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 12-9-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) (ORDINANCE) (RESOLUTION) No. B-102-80 on the 9th day of December, 19 80.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
William G. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 10th day of December 19 80, at the hour of 3 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. R-80-11-27

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE A RESOLUTION finding, determining and ratifying an Inducement  
Resolution of the Fort Wayne Economic Development Commission  
authorizing the issuance and sale of \$150,000.00 Economic  
Revenue Bonds of the City of Fort Wayne, Indiana, for the  
purpose of inducing the Applicant, C.L. Schust Co., Inc. to  
proceed with the acquisition, construction and equipping of  
the Project.

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do. PASS.

JAMES S. STIER, CHAIRMAN

MARK GIAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

12-9-80  
DATE 12-9-80 COMPLETED IN  
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF  
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
ON APPLICATION OF  
C.L. SCHUST CO., INC.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by Indiana Code 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to the user or developer; and

WHEREAS, C.L. Schust Co., Inc., (the "Applicant"), has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be equipment to be located in a new building on Lot 9 in Centennial Industrial Park in Fort Wayne, Indiana.

(the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens or the citizens of Allen County, Indiana; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Allen County:

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby finds and determines that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount of approximately \$150,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project which may be financed under the Act will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes.

Adopted this 7th day of November, 1980.

FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION

  
\_\_\_\_\_  
(Wayne P. Simerman)

  
\_\_\_\_\_  
(Jack Eren)

\_\_\_\_\_  
(Louis R. Dinwiddie)

  
\_\_\_\_\_  
(Sidney R. Sheray)

  
\_\_\_\_\_  
(Donald B. Fisher)



REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION CONCERNING THE PROPOSED FINANCING  
OF ECONOMIC DEVELOPMENT FACILITIES FOR  
C.L. SCHUST CO., INC.

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities

Equipment to be located in a new building on Lot 9 in Centennial Industrial Park in Fort Wayne, Indiana.

Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 150,000.00, including costs of issuance of the economic development revenue bonds.


Number of Jobs and Estimated Payroll

It is anticipated there will be approximately 15 new jobs created by this project with an estimated payroll increase of approximately \$ 400,000.00 annually.

Adverse Competitive Effect

The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 7th day of November, 1980.

  
(Wayne P. Simerma)

  
(Jack Green)

  
(Louis R. Dinwiddie)

  
(Sidney R. Sheray)

  
(Donald B. Fisher)

# Memorandum

To Economic Development Commission

Date 10-23-80

From Kathy Moses, Senior Planner

Subject C.L. Schust Co., Inc. EDC Bond \$150,000  
Bruce E. Winebrenner, EDC Bond \$450,000

## COPIES TO:

The two bonds are for one development; a roofing and sheet metal construction plant and office facility. Schust Company will be purchasing equipment for operating the business, and Mr. Winebrenner will be purchasing the land and constructing the facility. The site in Centennial Industrial Park does comply with the development goals of the Allen County Overall Economic Development Program. It is expected that the project will create from 10 to 15 jobs at a cost of \$40,000 to \$50,000 per job.

This project conforms to the Comprehensive Plan's suggested land use pattern. It will also increase the City's tax base.

The proposed industrial use requires an M2 zone while this parcel is zoned M1. A size variance for a warehouse was granted in 1975, however, there is confusion as to the applicability of the variance to this project. A legal opinion has not yet been obtained for this case.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

October 23, 1980

Mr. John Hoffman  
City Attorney  
City-County Building  
Fort Wayne, Indiana

RE: EDC Application for Bruce E.Winebrenner and C.L.Schust Co., Inc.

Dear John:

I have reviewed the application and financial statements of the above named applicants.

I find no problems with these documents which should deter action by the Commission.

Sincerely,



Frank W. Heyman  
City Controller

FWH/kme



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 November 1980

Mr. John Hoffman, City Attorney  
Law Department  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Mr. Hoffman:

As you requested, the E.D.C. applications for Schust Co., Inc. and Winebrenner located on Lot #9 of Centennial Industrial Park, Section II has been reviewed to determine its compliance with the zoning of the property. The application is for plant and office facilities and equipment.

Our records show that the City Plan Commission approved an "M-1", Light Industrial zoning in 1977 for Lot #9 of Centennial Industrial Park, Section II.

The uses that the petitioners desire to pursue on Lot #9 fall within the "M-2", General Industrial zoning district. The "M-2" zone permits fabricating, manufacturing and processing industries. The Zoning Ordinance states as item three (3) under the "M-1" district:

"Any Use Permitted in an "M-2" District, provided that such use, including all accessory and incidental uses, does not occupy an area in excess of 15,000 square feet, and provided further, that all smoke, dust, dirt, toxic gases and fumes or noxious odor produced upon the premises, is contained thereto."

A variance was sought by Northside Finance Corporation, in 1975, to waive the 15,000 square foot limitation mentioned above. The variance was granted by the Board of Zoning Appeals in 1975. I have attached copies of the Board's decision, legal opinion from the City Attorney, and a letter from John Stafford to Mr. Hefner describing the final decision of our department. As you will note the appeal applies to all property defined in Northside Finance Corporation appeal of 1975. The legal description from the appeal follows. Parcel #9 is located within the area described by the legal.

A part of the Northeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section 28, Township 31 North, Range 12 East, in Allen County, Indiana, to-wit:

John Hoffman, City Attorney  
26 November 1980

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Beginning at the Northwest corner of the Northeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section 28-31-12; thence South along the West line of said Northeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) a distance of 1326 feet to the South line of said Northeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ); thence East on the South line of said Quarter ( $\frac{1}{4}$ ) Quarter ( $\frac{1}{4}$ ) Section, a distance of 1035 feet to the West right-of-way line of the FR&I Railroad; thence Northerly along said West right-of-way line of the GR&I Railroad to the North line of said Northeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ); thence West along said North line to the place of beginning, containing 34.96 acres, more or less.

If you have questions on this matter please feel free to call me.

Sincerely,

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments



THE CITY OF FORT WAYNE

January 2, 1976

Clifford E. Simon Jr.  
2400 Ft. Wayne National Bank Bldg.  
Fort Wayne, Indiana 46802

Dear Mr. Simon,

You are hereby notified that the Board of Zoning Appeals of the City of Fort Wayne, Indiana, at its regular meeting held Thursday December 18, 1975, Granted the appeal taken from the action of the Zoning Enforcement Officer in the following case:

CASE NO. 75-1975-Z size ~~variance~~ for a warehouse  
in an "M-1" District.

All permits necessary for the prosecution of the work shall be obtained.

Sincerely,

*Phyllis Fowlkes*

BOARD OF ZONING APPEALS

Phyllis Fowlkes, Clerk

/pf

WHEREAS, Northside Finance Corp., of Fort Wayne, Indiana, heretofore applied to the Zoning Enforcement Officer for a permit to construct a building in excess of the "M1" District square foot requirement at 2500 Goshen Road, and,

WHEREAS, said property is located in an "M1" District and would be in violation of the Zoning Ordinance Chapter 36, Municipal Code, City of Fort Wayne, Indiana, 1946 (as amended by General Ordinance 2836 adopted January 11, 1955 effective March 1, 1955 and subsequent amendments), and,

WHEREAS, the Zoning Enforcement Officer in acting on said application for a building size variance from 15,000 sq. ft. in an "M1" District, on the 2nd of December, 1975 rendered the following decision:

"Permit is hereby Denied, because work would not comply with the provisions of Zoning Ordinance No. 2836", and,

WHEREAS, a public hearing was held on this by the Board of Zoning Appeals at its regular meeting held December 18, 1975 after giving due notice thereof to the parties, and,

WHEREAS, the Board of Zoning Appeals of the City of Fort Wayne, Indiana, having heard the evidence of the parties and being advised in the premises, finds in this case the variance would not be contrary to the public interest and owing to special conditions a literal enforcement of the provisions of the Chapter will result in unnecessary hardship, so that the spirit of the Chapter will be observed and substantial justice done, it is hereby,

RESOLVED, that the Board of Zoning Appeals, by virtue of the authority conferred upon it, does hereby GRANT the appeal of CASE NO. 75-1975-Z appeal to exceed the 15,000 sq. ft. requirement in an "M1" District at 2500 Goshen Road.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

william n. solin, city attorney

January 12, 1978

Mr. Gary Baeten  
Fort Wayne City Plan Commission  
and Board of Zoning Appeals  
8th Floor  
City County Building  
Fort Wayne, Indiana 46802

Dear Gary:

I have been asked to advise whether a building of up to 125,000 square feet, in which a food processing business will be conducted, can be built upon Lots 10 and 13 in Centennial Industrial Park, Section II. I am responding to the question because I understand that Mr. Simon, the regular advisor to the Plan Commission and Board of Zoning Appeals, may have a conflict of interest and has declined to make the response.

I am advised that the property is zoned M-1. Section 33-16(i)(3) of the Zoning Ordinance permits in an M-1 District, "any use permitted in an M-2 District: provided that such use, including all accessory and incidental uses, does not occupy an area in excess of fifteen thousand square feet, and provided further that all smoke, dust, dirt, toxic gases and fumes or noxious odor produced upon the premises is confined thereto." Manufacturing and processing industries are permitted use in an M-2 District. Section 33-16(j)(1). Accordingly, the proposed processing industry is permitted in an M-1 District, subject to the conditions set forth.

I have before me a copy of an appeal filed in 1975 by Northside Finance Corp., the predecessor in title to the property in question, in which it sought a variance from the 15,000 square foot limitation upon the property. It requested a variance permitting the erection of a 200,000 plus square foot building upon the property. The appeal discusses the possible erection of a warehouse for one or two large manufacturers, but specifically states, "Only a size variance is requested." In other words,



Mr. Gary Baeten  
January 12, 1978  
Page Two

the appeal was not for approval of a warehouse, which use was already permitted by the Zoning Ordinance, but for a variance of the 15,000 square foot maximum to a 200,000 plus square foot maximum.

On December 18, 1975, the Board of Zoning Appeals approved the variance and passed its official resolution granting the size variance requested. To my knowledge, that variance grant is still in effect. Accordingly, since a processing industry is permitted in an M-1 District, subject to the size and other limitations quoted, and since the size restriction on this particular property was varied by official action of the Board of Zoning Appeals to 200,000 plus square feet, it is my opinion that the current zoning status of the property permits the erection of a building up to 200,000 square feet in size for use by a food processing, fabricating, or manufacturing industry.

Very truly yours,

  
William N. Salin

WNS:cu



## THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING  
CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

March 5, 1979

Mr. William J. Hefner  
Hefner Chevrolet, Inc.  
500 E. State Blvd.  
Fort Wayne, IN 46805

Dear Mr. Hefner:

As you are aware there has been considerable confusion concerning the interpretation of the 1975 Board of Zoning Appeals case involving Centennial Industrial Park. The staff of Community Development and Planning has met with the City Attorney in an effort to clarify this confusion. As a result, the agreed interpretation is as follows:

By the action of Case No. 75-1975-Z the Board of Zoning Appeals waived the size requirement of 15,000 square feet for all M-2 uses as conditioned by Article IV, Section 14-I-3 of the City Zoning Ordinance. This waiver applies to the 34.96 acres defined in aforesaid case.

This is the opinion offered by William Salin and concurred in by the Department. I am distributing copies of this letter to those I feel would be involved in the decision. If you have any questions, please contact me.

Sincerely,

John Stafford, Director  
Division of Long Range Planning  
and Zoning

JS/js

cc: Mayor Robert Armstrong  
R. Steven Hill  
Gary Baeten  
William Salin  
Ivan Martin  
Tom Grant  
Phil Burt  
Barry Sturges  
Steve Wesner  
Mark Akers

Cliff Simon  
Orrin Sessions  
Duane Bobeck  
Mike Dahm  
Robert Goldstine  
James Harding  
Norbert Knapke  
Gary Trent  
A. J. Zacker

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

Q-80-1127

TITLE OF ORDINANCE Inducement Resolution for an issue of \$150,000.00.

DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE Equipment to be located in a new building on

Lot 9 in Centennial Industrial Park in Fort Wayne, Indiana, on

application of C.L. Schust Co., Inc.

EFFECT OF PASSAGE New building to be furnished with equipment creating

15 new jobs with an estimated payroll of approximately \$400,000.00.

EFFECT OF NON-PASSAGE None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None.

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

*Final*